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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,701

02/04/2004

Craig A. Finseth

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THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
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EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT

PAPER NUMBER

2427

MAIL DATE

DELIVERY MODE

09/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/771,701	Applicant(s) FINSETH ET AL.	
	Examiner Bennett Ingvaldstad	Art Unit 2427	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 30-47, 49-58, 60-69 and 71.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/Bennett Ingvaldstad/
Examiner, Art Unit 2427

Continuation Sheet.

Applicant's arguments/remarks filed 10 September 2009 have been fully considered.

Applicant again traverses the independent claim rejections with an emphasis on representative claim 30.

Applicant responds to the final rejection and arguments, acknowledging that Boyer teaches a search for program event listings. Remarks at 13, 14. Applicant notes that Boyer uses a calendar for navigation purposes only, not to indicate the results of a search as claimed. Id. at 15. Applicant further acknowledges that Kahl indicates events on a calendar. Id.

Applicant then traverses the examiner's argument that Kahl conducts a "search" by selecting a particular month and then only displaying the event listings on the calendar for the selected month, arguing that this is not a search in the same sense as Boyer's search. Applicant argues that Kahl's month selection is more analogous to Boyer's calendar navigation. Remarks at 15, 16. The examiner concedes this point, and will refer to Kahl's month selection as such.

Thus, it appears that Applicant and the examiner are in agreement that Boyer teaches both navigating a calendar to select a subset of event listings and searching to select a subset of event listings, id. at 16, and that Kahl teaches navigating a calendar to select a subset of event listings, id. at 15.

Kahl's selection of the subset of event listings further comprises displaying program indicators for the subset of event listings. Fig. 2 (showing that only event listings for the selected month are displayed). Thus, one of ordinary skill, when combining Kahl's program indicators with the calendar of Boyer, would be led to display program indicators only for the selected subset of event listings. Boyer teaches selecting a subset of event listings either by navigation or a search. One of ordinary skill would thus further be motivated to display program indicators for the selected subset of event listings, whether they were obtained by navigation or by a search, because to do otherwise would create unnecessary inconsistencies in the user interface.

The examiner further reaffirms the argument that Boyer and Kahl both display a calendar to assist in viewing and selecting scheduled events, and therefore have a common field of endeavor.

For these reasons, the arguments are unpersuasive.